Remarks

Claims 100-114 were rejected as unpatentable over 3GPP171 (3GPP TS123.171) in view of NOWAK 6,968,195. Reconsideration and withdrawal of the rejection are respectfully requested because the combination does not disclose or suggest the second privacy check in independent claims 100, 105, and 110. The dependent claims are allowable for the same reasons.

The Official Action points to 3GPP171 Section 8.7.1.1, item 1 for the first privacy check. This section describes the procedures when a "client" requests location services for a UE (user equipment), and refers to Figure 8.4, element "(1) LCS Service Request." The GMLC verifies the identity of the LCS "client" and passes the request on to the HLR (Home Location Register of the UE). This same procedure is used for Emergency Services (Figure 8.4a, Section 8.7.1a, element "(1) LCS Service Request") wherein the "client" requests location services for a UE, but in this instance without going through the HLR because it is an emergency.

The Official Action points to 3GPP171 Section 8.7.3.3, items 7, 8, 9, and 10 for the second privacy check. However, these items refer to an entirely different procedure that does not include the "first privacy check" performed by the gateway, namely the "(1) LCS Service Request." These items discuss the situation when a UE makes a service request and a network-induced location request is initiated. The "client" receives the location information but does not initiate the request. See, for example, Figure 8.5 to which Section 8.7.3.3 refers and in which the UE makes the request. There is no action in Figure 8.5 that is the "(1) LCS Service Request" handled by the gateway as in Figures 8.4 and 8.4a. Further, it is not clear where a privacy check occurs at all in this situation, and if one is performed that the check is performed by the gateway that performs the first privacy check, as claimed. Section 8.7.3.3 item 10 refers to storing the location information for later retrieval, but does not indicate what procedure must be filed by the emergency "client" to retrieve it later. If one presumes that the emergency "client" must undergo a privacy check before retrieving the stored location information (a fact not expressed in the

2

reference) then this privacy check would be the first privacy check, not a second one. Further, there is no indication that the gateway would perform this check. There is no situation in 3GPP171 in which two privacy checks are performed by the gateway as claimed in claims 100, 105, and 110.

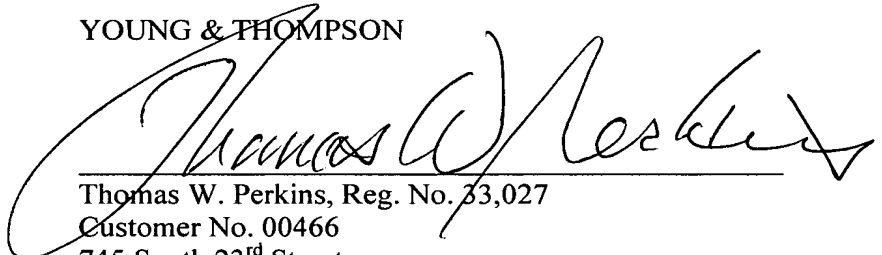NOWAK is relied upon for other features and does not make up for this shortcoming.

Accordingly, the combination does not disclose the claimed second privacy check performed by the gateway and the claims avoid the rejection under §103.

In view of the foregoing remarks, it is believed that the present application is in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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3